

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMANDA JOHNS :  
4415 Spruce Street :  
Philadelphia, PA 19130 :  
CIVIL ACTION

Plaintiff, :  
CASE NO.:

v.

ALLSTATE SECURITY INC., d/b/a :  
HONOR GUARD SECURITY :

114 Chestnut Street :  
Philadelphia, PA 19106 :

and :

GENERAL NUTRITION COMPANIES, :  
INC., d/b/a GNC :

300 Sixth Avenue :  
Pittsburgh, Pennsylvania 15222 :

JURY TRIAL DEMANDED

Defendants.

**CIVIL ACTION COMPLAINT**

Plaintiff, Amanda Johns (hereinafter referred to as "Plaintiff" unless indicated otherwise), hereby complains as follows against Defendants and avers as follows:

**INTRODUCTION**

1. Plaintiff initiates the instant action to redress violations by Defendants of Title VII of the Civil Rights Act of 1964 ("Title VII" – 42 U.S.C. §§ 2000d *et. seq.*) and the Pennsylvania Human Relations Act ("PHRA") for subjecting Plaintiff to sexual harassment and for terminating her for opposing such unlawful harassment.

**JURISDICTION AND VENUE**

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims, because this civil action arises under laws of the United States.

3. This Court may properly maintain personal jurisdiction over Defendants because Defendants' contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district and Defendants are deemed to reside where they are subject to personal jurisdiction, rendering Defendants citizens of the Eastern District of Pennsylvania.

5. Plaintiff filed a Charge of discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC") and also dual-filed said charge with the Pennsylvania Human Relations Commission ("PHRC"). Plaintiff has properly exhausted her administrative proceedings before initiating this action by timely filing and dual-filing her Charge with the EEOC and PHRC and by filing the instant lawsuit within 90 days of receiving a right-to-sue letter from the EEOC and because she filed the instant lawsuit within more than 1 year after her Charge was dual-filed with the PHRC.

#### **PARTIES**

6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

7. Plaintiff is an adult individual, with an address as set forth in the caption.

8. Defendant AllState Security Inc. (hereinafter "Defendant Security") is an entity headquartered at the above-captioned address who employed Plaintiff.

9. Defendant General Nutrition Companies, Inc. (hereinafter "Defendant GNC") is an entity wherein Plaintiff was physically placed to work by Defendant Security, which served as her functional employer because she was directed on a daily basis by management from Defendant GNC and had to abide by policies of Defendant GNC as if she were an actual employee.

10. At all times relevant herein, Defendants acted by and through their agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

#### FACTUAL BACKGROUND

11. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

12. Plaintiff is a 24-year-old female.

13. Plaintiff was hired by Defendant Security to work at Defendant GNC's location of 117 Chestnut Street, Philadelphia, PA 19106.

14. Plaintiff worked for Defendants as a security guard.

15. While placed to work for Defendants at the above location, Plaintiff was supervised by one Isaiah Thomas, an assistant manager for Defendant GNC.

16. Defendant GNC's management directed Plaintiff, required her to follow policies of Defendant GNC, and interacted with her on a daily basis.

17. Plaintiff was terminated from Defendants in December of 2009.

18. Plaintiff had only worked for Defendants for several months, but she was terminated after repeatedly refusing sexual advances by Thomas.

19. Sexual advances by Thomas included but were not limited to, continuous contacts via telephone, texting, and verbal gestures.

20. Thomas's sexual advances towards Plaintiff were so aggressive and consistent that he created a hostile work environment for her.

21. Plaintiff refused to acquiesce to Thomas's sexual advances and complained about said actions.

22. Plaintiff was allegedly terminated by Defendant GNC management for acting inappropriately toward Defendant GNC customers and for walking off the job, which were pretextual reasons to justify her termination for engaging in protected activity.

**First Cause of Action**

**Violations of Title VII of the Civil Rights Act of 1964 ("Title VII")**

**([1] Quid Pro Quo Sexual Harassment; [2] Retaliation; [3] Hostile Work Environment)  
- Against Both Defendants -**

23. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

24. Plaintiff was subjected to severe and/or pervasive sexual harassment, which created a hostile work environment.

25. Plaintiff was also terminated because she complained/opposed sexual harassment and/or because she failed to succumb to continued sexual advances by management of Defendant GNC.

26. Plaintiff was terminated from and by both Defendants to this action for bogus reasons for the aforesaid reasons.

27. These actions constitute violations of Title VII.

**Second Cause of Action**

**Violations of the Pennsylvania Human Relations Act ("PHRA")**

**([1] Quid Pro Quo Sexual Harassment; [2] Retaliation; [3] Hostile Work Environment)**  
**- Against Both Defendants -**

28. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

29. Plaintiff was subjected to severe and/or pervasive sexual harassment, which created a hostile work environment.

30. Plaintiff was also terminated because she complained/opposed sexual harassment and/or because she failed to succumb to continued sexual advances by management of Defendant GNC.

31. Plaintiff was terminated from and by both Defendants to this action for bogus reasons for the aforesaid reasons.

32. These actions constitute violations of Title VII.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to be prohibited from continuing to maintain their illegal policies, practice or custom of harassing against and/or retaliating against employees and are to be ordered to promulgate an effective policy against such discrimination and to adhere thereto;

B. Defendants are to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered discrimination at the hands of Defendant until the date of verdict;

C. Plaintiff is to be awarded punitive damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be awarded damages for emotional distress and/or pain and suffering and is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate;

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

G. Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

**KARPF & KARPF, P.C.**



Ari R. Karpf, Esquire  
3070 Bristol Pike  
Building 2, Suite 231  
Bensalem, PA 19020  
(215) 639-0801

Dated: April 6, 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Amanda Johns

CIVIL ACTION

Allstate Security Inc. v.  
Honor Guard Security

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/10/2011

Date

Avi R. Karpf

Attorney-at-law

215.1039.0801

Telephone

215.1039.4970

FAX Number

Plaintiff

Attorney for

akarpf@karpf-law.com

E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 445 Spruce Street, Philadelphia PA 19130

Address of Defendant: 14 Chestnut Street, Philadelphia PA 19106

Place of Accident, Incident or Transaction: 300 Sixth Avenue, Pittsburgh PA 15222  
Defendant's place of business (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
(Please specify)

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

*(Check Appropriate Category)*

counsel of record do hereby certify:

Pursuant to Local Civil Rule 33.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/10/2011

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/10/2011

Attorney-at-Law

CIV. 609 (6/08)

ARK2484

Attorney I.D.#

91538

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

JOHNS, AMANDA

(b) County of Residence of First Listed Plaintiff Philadelphia

(c) Attorney's Firm Name, Address, Telephone Number and Email Address)

Karpf & Karpf, P.C., 3070 Bristol Pike, Building 2 Suite 231,  
Bensalem PA 19020, (215) 639-0801, akarpf@karpf-law.com

## DEFENDANTS

ALLSTATE SECURITY INC., d/b/a HONOR GUARD  
SECURITY, et al.County of Residence of First Listed Defendant PhiladelphiaNOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 2	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 3	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 6
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 4	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 7

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

110 Insurance  
 120 Marine  
 130 Miller Act  
 140 Negotiable Instrument  
 150 Recovery of Overpayment & Enforcement of Judgment  
 151 Medicare Act  
 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
 153 Recovery of Overpayment of Veteran's Benefits  
 160 Stockholders' Suits  
 190 Other Contract  
 195 Contract Product Liability  
 196 Franchise  
 210 Land Condemnation  
 220 Foreclosure  
 230 Rent Lease & Ejectment  
 240 Torts to Land  
 245 Tort Product Liability  
 290 All Other Real Property

310 Airplane  
 315 Airplane Product Liability  
 320 Assault, Libel & Slander  
 330 Federal Employers' Liability  
 340 Marine  
 345 Marine Product Liability  
 350 Motor Vehicle  
 355 Motor Vehicle Product Liability  
 360 Other Personal Injury

410 Voting  
 442 Employment  
 443 Housing/ Accommodations  
 444 Welfare  
 445 Amer. w/ Disabilities - Employment  
 446 Amer. w/ Disabilities - Other  
 440 Other Civil Rights

510 Motions to Vacate Sentence  
Habeas Corpus:  
 530 General  
 535 Death Penalty  
 540 Mandamus & Other  
 550 Civil Rights  
 555 Prison Condition

610 Agriculture  
 620 Other Food & Drug  
 625 Drug Related Seizure of Property 21 USC 881  
 630 Liquor Laws  
 640 R.R. & Truck  
 650 Airline Regs.  
 660 Occupational Safety/Health  
 690 Other  
 710 Fair Labor Standards Act  
 720 Labor/Mgmt. Relations  
 730 Labor/Mgmt. Reporting & Disclosure Act  
 740 Railway Labor Act  
 790 Other Labor Litigation  
 791 Emp. Ret. Inc. Security Act  
 861 HIA (1395ff)  
 862 Black Lung (923)  
 863 DIWC/DIWW (405(g))  
 864 SSID Title XVI  
 865 RSI (405(g))  
 870 Taxes (U.S. Plaintiff or Defendant)  
 871 IRS—Third Party  
26 USC 7609  
 422 Appeal 28 USC 158  
 423 Withdrawal  
28 USC 157  
 820 Copyrights  
 830 Patent  
 840 Trademark  
 850 Securities/Commodities/ Exchange  
 875 Customer Challenge  
12 USC 3410  
 890 Other Statutory Actions  
 891 Agricultural Acts  
 892 Economic Stabilization Act  
 893 Environmental Matters  
 894 Energy Allocation Act  
 895 Freedom of Information Act  
 900 Appeal of Fee Determination Under Equal Access to Justice  
 950 Constitutionality of State Statutes

462 Naturalization Application  
 463 Habeas Corpus - Alien Detainee  
 465 Other Immigration Actions

## V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act of 1964 (Title VII) (42 USC 2000)

## VI. CAUSE OF ACTION

Brief description of cause:

Violations of Title VII and the Pennsylvania Human Relations Act.

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S)

(See Instructions):

JUDGE

DOCKET NUMBER

Explanation:

1/10/2011  
DATE

SIGNATURE OF ATTORNEY OF RECORD